

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOHNNY BERNAL,	§	
on Behalf of Himself and Others	§	
Similarly Situated	§	
Plaintiff,	§	
	§	
V.	§	
	§	
VANKAR ENTERPRISES, INC. d/b/a,	§	SA-07-CA-0695-XR
BABCOCK BAR, CHICAGO BAR, INC.,	§	
and TDS ENTERTAINMENT, INC. d/b/a	§	
DIXIE'S COUNTRY BAR	§	
Defendants.	§	

DEFENDANTS' UNOPPOSED MOTION TO RESET EVIDENTIARY HEARING

TO THE HONORABLE XAVIER RODRIGUEZ:

Comes now, VANKAR ENTERPRISES, INC. d/b/a BABCOCK BAR, CHICAGO BAR, INC., AND TDS ENTERTAINMENT, INC. d/b/a DIXIES COUNTRY BAR, by and through undersigned counsel, and files this Unopposed Motion to Reset Evidentiary Hearing. In support hereof and for good cause, Defendants would show unto the Court as follows:

1. This case is currently set for an evidentiary on October 21, 2008. This is the first request by either party for a continuance of the hearing date. This request is made because the Defendants principal recently underwent surgery and has been unable to confer with undersigned counsel in any meaningful way.

2. Defendants' also request a re-setting so that the parties can explore pre-trial resolution of this matter. Specifically, Defendants request a re-setting to a hearing date that is at least ten (10) days from October 21, 2008 (and preferably a date other than November 3, 17-20 and 24, 2008.

3. The extension of this deadline will not serve as an undue burden or hardship on either of the parties nor will it serve to prejudice either party.

Respectfully submitted,

/s/ Edward L. Piña

EDWARD L. PIÑA

Edward L. Piña & Associates, P.C.

Attorneys at Law

The Ariel House

8118 Datapoint Drive

San Antonio, Texas 78229-3268

(210) 614-6400 Telephone

(210) 614-6403 Telecopier

CERTIFICATE OF CONFERENCE

On this 15th day of October, 2008, the undersigned conferred with plaintiff's counsel, Richard J. Burch, by telephone. Mr. Burch indicated that he did not oppose a resetting of the evidentiary hearing as requested above.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendants' Unopposed Motion to Reset Evidentiary Hearing has been served via facsimile and or Certified Mail, Return Receipt Requested on the following:

Robert R. Debes, Jr.
State Bar No. 05626150
Federal ID. No. 12308
17 South Briar Hollow Lane, Suite 302
Houston, Texas 77027
(713) 623-0900 Telephone
(713) 623-0951 Facsimile

Richard J. Burch
S.D. Tex. No. 21615
State Bar No. 24001807
1415 Louisiana, Suite 2125
Houston, Texas 77002
(713) 877-8788 Telephone
(713) 877-8065 Facsimile

on this 15th day of October, 2008.

/s/ Edward L. Piña

EDWARD L. PIÑA

VERIFICATION

STATE OF TEXAS §

§

COUNTY OF BEXAR §

BEFORE ME, the undersigned, on this day personally appeared **Edward L. Piña** being by me duly sworn on oath deposed that he has read the above and foregoing Defendants' Unopposed Motion to Reset Evidentiary Hearing and that every statement contained therein is within his personal knowledge and is true and correct.

/s/ Edward L. Piña

EDWARD L. PIÑA

SIGNED and SWORN to before me on October 15th, 2008.

/s/ Denise Martinez

Notary Public, State of Texas
Commission Expires 06-25-09

